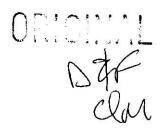
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK ------x BLACKMAN, JOSEPH,



Petitioner/Plaintiff,

-against-

MEMORANDUM AND ORDER Case No. CV-05-4943 (FB) (SMG)

GONZALES, ALBERTO, ATTORNEY GENERAL OF THE UNITED STATES; ALPHANSO AGUIRRE, COMMISSIONER, U.S. CITIZENSHIP AND IMMIGRATION SERVICE; EDWARD MCELROY, NEW YORK FIELD OFFICER DIRECTOR BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT; U.S. CITIZENSHIP AND IMMIGRATION SERVICE/IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES DEPARTMENT OF JUSTICE,

	Respondents/Defendants.
	

BLOCK, District Judge:

On October 21, 2005, petitioner Joseph Blackman ("Blackman"), alien number A30987372, filed a *habeas corpus* petition pursuant to 28 U.S.C. § 2241 challenging his final order of removal. "The REAL ID Act[, Pub. L. No. 109-13, 119 Stat. 231,] eliminates *habeas corpus* review of orders of removal and requires that any § 2241 petition pending in the district court . . . be transferred to the court of appeals in which the petition could have been properly brought as a petition for review from a final order of removal under 8 U.S.C. § 1252." *Marquez-Almanzar v. I.N.S.*, 418 F.3d 210, 212 (2d Cir. 2005). Accordingly, the Court orders the petition to be transferred to the United States Court of Appeals for the Second Circuit and stays his removal pending further action by the circuit court.

SO ORDERED.

FREDERIC BLOCK United States District Judge

Brooklyn, New York October 21, 2005